

AMENDMENT

Please amend the application as follows.

In The Claims

A. New Claims

In accordance with amendment practice pursuant to Rule 1.121(c)(1)(i), please add the following new claim:

--15. (New) An article of manufacture comprising:
a biodegradable article having a permeability to water vapor of less than $350 \text{ gx}30\mu\text{m}/\text{m}^2$ per day at 38°C and 90% RH manufactured from aliphatic polyester resin,

wherein said aliphatic polyester resin further comprises

a) recurring units $X = [\text{O}-(\text{CH}_2)_n-\text{OCO}-(\text{CH}_2)_m-\text{CO}]$ and/or $Y = [\text{O}-(\text{CH}_2)_k-\text{CO}]$, where the half-sum of $n + m$ is equal to or greater than 6 and k is a number equal to or greater than 6, or by copolymers comprising units and/or sequences having the formula $x_i[\text{O}-(\text{CH}_2)_{n_i}-\text{OCO}-(\text{CH}_2)_{m_i}-\text{CO}]$; $y_j[\text{O}-(\text{CH}_2)_{k_j}-\text{CO}]$ where: $i, j = 1-5$;

$n_i = 2-22$; $m_i = 0-20$; $k_j = 1-21$; $\sum_{i=1}^5 x_i + \sum_{j=1}^5 y_j = 1$ and x_i and y_j vary between 0 and

1 and are molar fractions of the various units such that $\sum_{i=1}^5 x_i \cdot \left(\frac{n_i+m_i}{2}\right) + \sum_{j=1}^5 y_j \cdot k_j \geq 6$,

or

b) recurring units $Z = [\text{O}-(\text{CH}_2)_a-\text{OCO}-(\text{CH}_2)_b-\text{CO}]$ where $a = 2-3$, $b = 7-11$, and has an intrinsic viscosity (in chloroform at 25°C) greater than 0.7 and up to 2.5 dl/g, and a biodegradability such that, under composting conditions, a $30 \mu\text{m}$ film of said resin shows a decomposition of less than 10% in 14 days and more than 90% in six months.

B. Amended Claims

In accordance with amendment practice pursuant to Rule 1.121(c)(1)(i), presented below is a "clean" set of "rewritten claims." A "marked up" version of these claims is attached hereto pursuant to Rule 1.121(c)(1)(ii).

--1. (Amended) A method of making a biodegradable article having a permeability to water vapor of less than $350 \text{ gx}30\mu\text{m/m}^2$ per day at 38°C and 90% RH comprising:

manufacturing articles from aliphatic polyester resin,

wherein said aliphatic polyester resin further comprises

a) recurring units $X = [\text{O}-(\text{CH}_2)_n-\text{OCO}-(\text{CH}_2)_m-\text{CO}]$ and/or $Y = [\text{O}-(\text{CH}_2)_k-\text{CO}]$,

where the half-sum of $n + m$ is equal to or greater than 6 and k is a number equal to or greater than 6, or by copolymers comprising units and/or sequences having the formula $x_i[\text{O}-(\text{CH}_2)_{n_i}-\text{OCO}-(\text{CH}_2)_{m_i}-\text{CO}]$; $y_j[\text{O}-(\text{CH}_2)_{k_j}-\text{CO}]$ where: $i, j = 1-5$;

$n_i = 2-22$; $m_i = 0-20$; $k_j = 1-21$; $\sum_{i=1}^5 x_i + \sum_{j=1}^5 y_j = 1$ and x_i and y_j vary between 0 and

1 and are molar fractions of the various units such that $\sum_{i=1}^5 x_i \cdot \left(\frac{n_i+m_i}{2}\right) + \sum_{j=1}^5 y_j \cdot k_j \geq 6$,

or

b) recurring units $Z = [\text{O}-(\text{CH}_2)_a-\text{OCO}-(\text{CH}_2)_b-\text{CO}]$ where $a = 2-3$, $b = 7-11$, and has an intrinsic viscosity (in chloroform at 25°C) greater than 0.7 and up to 2.5 dl/g, and a biodegradability such that, under composting conditions, a $30 \mu\text{m}$ film of said resin shows a decomposition of less than 10% in 14 days and more than 90% in six months.

REMARKS

Claim 15 is new. Claim 1 has been amended. Claims 1-15 are pending in the application. It is submitted that no new matter has been introduced by the new claims. Support for the new claim is found generally in the original claims, and numerous places throughout the specification (e.g., p.3, first full paragraph through p4., first full paragraph).

Claim Rejections - 35 U.S.C. § 112, Second Paragraph

The Examiner rejected claims 1-14 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner asserted that: